

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

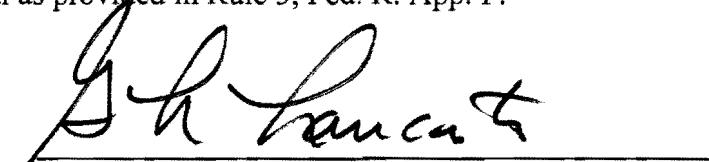
MICHAEL EARLY,)
Plaintiff)
)
vs.) Civil Action No. 08-1663
) Judge Gary L. Lancaster/
LARRY LUDWIG, Parole Supervisor;) Magistrate Judge Amy Reynolds Hay
COLBY CONNERS, Parole Officer;)
JOSEPH GOBER, Parole Supervisor; D.A.)
ANTHONY, Parole Technician; JEFFREY)
A. BEARD, Secretary/Commissioner of)
Pennsylvania Department of Corrections;)
BERNADETTE MASON, Grievance)
Coordinator/Litigation Officer; JOHN)
KERESTES, Superintendent; DORINA)
VARNER Chief Grievance Officer; KENT)
D. WATKINS, Attorney,)
Defendants)

O R D E R

AND NOW, this 23nd day of March, 2009, after the Plaintiff, Michael Early, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until March 13, 2009, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the complaint is dismissed pre-service pursuant to the Prison Litigation Reform Act because Plaintiff's complaint fails to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Michael Early
EV-5187
SCI Mahanoy
301 Moread Road
Frackville, PA 17932

All Counsel of Record by electronic filing